

**Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
December 11, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group Meeting on December 11, 2001 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following attachments are provided.

Attachment 1 Meeting Agenda  
Attachment 2 Meeting Attendees  
Attachment 3 Flip Chart Notes  
Attachment 4 Preliminary Draft Study Plan Package Presentation  
Attachment 5 Riverbend Park Project Map  
Attachment 6 Appendix A, Riverbend Park Corridor Description / Project Components  
Attachment 7 Oroville Facilities Recreation Projects by Year  
Attachment 8 Department of Parks and Recreation 1999/00 & @ 2000/01 Improvement Projects  
Attachment 9 Recreation Facilities and Sites at the Oroville Complex Map  
Attachment 10 Proposed 2002 Meeting Schedule

### **Introduction**

Attendees were welcomed to the Plenary Group meeting. The meeting objectives and desired outcomes were discussed. The meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip Chart notes are included as Attachment 3.

### **Introduction of Preliminary Draft Study Plan Package**

A Preliminary Draft Study Plan Package was distributed to participants at the meeting. Len Marino, DWR Project Lead, began the Package presentation by reminding everyone of the overall relicensing schedule, the near-term schedule and reviewing the goals of the study plan review process. He explained that a driving force for the near-term is to reach consensus on draft study plans that include time-sensitive tasks that need to begin in spring. This study plans have been designated as Critical Path Study Plans. Len reviewed the Package table of contents and explained that each DWR Resource Area Manager (RAM) would briefly describe the set of study plans included in the package that were developed in the individual work groups.

Len reviewed the role of the Work Groups in the Package development and identified five tasks for the Plenary Group to focus on during their preliminary draft study plans review:

- Assure Oroville Facilities Relicensing issues are identified and addressed
- Assure appropriate balance across issues
- Assure scope of studies is appropriate
- Review and assure methods are appropriate
- Assure coordination among studies and Work Groups

He explained that the Work Groups would be reviewing the Plenary Group comments and Scoping Document 1 comments received, and working to clarify or add information as necessary to complete the study plans. Len went on to identify the studies currently considered to be critical path studies and thus prioritized for first review. He noted the goal is to hear the Plenary Group's heartburn issues at the January Plenary Group meeting. Heartburn issues were defined as major

study plan issues causing concern among the participants that need to be resolved before approval. The Preliminary Draft Study Plan Package presentation is included as Attachment 4.

- **Land Use, Land Management and Aesthetics**

Jim Martin, DWR RAM for the Land Use, Land Management and Aesthetics Work Group gave an overview of that work group's efforts leading to the five draft study plans covering land use, land management, aesthetics and fuel load management issues. He explained that the Work Group reviewed 4 of the 5 study plans and agreed conceptually to the contents of SP-L5, Fuel Load Management, however, the Work Group had not yet reviewed the current draft for SP-L5. Jim identified SP-L1 and SP-L4 as critical path studies for priority Plenary Group review. His presentation is included in Attachment 4.

Jon Rubin of Santa Clara Valley Water District asked what moves a study plan to the critical path. Steve Nachtman of the consulting team explained that the study plan may contain tasks with time constraints, for example some plants can only be surveyed in the spring or there may be a need for two complete years of data collection, necessitating a quick start to fieldwork. He added that a study plan might also be identified as a critical path study if information from it is needed by other studies. Ken Kules of Metropolitan Water District asked if the critical path tasks would be included in the Microsoft Project schedule currently under development and if the Plenary Group would have the schedule for January. Len Marino responded that a draft should be available by the January Plenary Group meeting.

- **Recreation and Socioeconomics**

Doug Rischbieter, DWR RAM for the Recreation and Socioeconomics Work Group gave an overview of Task Force and Work Group efforts leading to the development of the draft study plans related to Recreation and Socioeconomics. He indicated that the Task Force is continuing to make minor edits and some of the latest Task Force revisions are not reflected in the preliminary draft study plans contained in the Package. Doug identified SP-R7, SP-R9, SP-R13, and SP-R18 as critical path studies for priority Plenary Group review. His presentation is included in Attachment 4.

Local resident Mike Kelley asked Doug what the status is of the issue he raised regarding the potential for DWR to sell electricity directly to Oroville to attract business to the area. Doug explained that the Recreation and Socioeconomics Study Plan Development Task Force determined the issue was not appropriate to be studied at this time but may be raised during settlement negotiations in the future. Mike Meinz of the Department of Fish & Game asked if there were other studies anticipated that are non-jurisdictional and not part of the first year list. Doug stated that while jurisdictional and non-jurisdictional issues have been raised in the Recreation and Socioeconomics Work Group, no studies are currently planned for the non-jurisdictional issues.

Michael Pierce asked what the difference is between jurisdictional and non-jurisdictional issues and whether the planned studies would cover both. Rick Ramirez of DWR explained that the Department would like to see what it will be required to do as a result of gathering data on jurisdictional issues before studying those issues that may be outside of typical relicensing issues. Richard Roos-Collins representing National Heritage Institute, attempted to clarify the definition of jurisdictional and non-jurisdictional issues by explaining that jurisdictional issues are the duty of the licensee under the Federal Power Act Part 1 and tend to be difficult to discuss in the abstract. Specific examples need to be looked at on a case-by-case basis to determine whether it is or is not jurisdictional. He suggested we ask FERC to provide input to a discussion at our next meeting on the topic. After further discussion, the participants agreed to ask FERC to provide clarification on what they consider jurisdictional and non-jurisdictional.

Sharon Stohrer stated that in addition to the subject of jurisdiction, she would like to see the description of a global scope statement to cover all resource areas, as introduced in the Environmental Work Group, completed. She is interested in a written confirmation that all studies

would reach out geographically to cover all resources that apply. Doug Rischbieter explained that all of the draft study plans developed in the Recreation and Socioeconomics Work Group include an individual description of scope specific to that study. The Facilitator suggested that the global scope language discussion be continued at the Environmental Work Group and then a draft forwarded to the Plenary Group for consideration.

- **Cultural Resources**

Janis Offermann, DWR RAM for the Cultural Resources Work Group gave an overview of Work Group efforts leading to the development of the draft study plans related to cultural resources. She identified SP-C1 as the critical path study for the Plenary Group to focus on first. Her presentation is included in Attachment 4.

Ken Kules representing MWD, asked for an update on the planned fluctuation zone study. Janis explained that the Work Group had hoped to get this effort started in the fall when the reservoir water level was low however, hiring complications delayed progress and now that the water level is rapidly covering the previously exposed fluctuation zone, the study will likely be postponed until next fall.

Roger Masuda, representing Butte County asked if there was a cultural resources draft study plan similar to the recreation needs study that will result in a management plan. The Facilitator identified SP-C3 as the study that will address development of a management plan for cultural resource protection.

- **Engineering and Operations**

The Engineering and Operations Work Group has two DWR RAMs: Curtis Creel for Operations and Rashid Ahmad for Engineering. Jointly, they gave an overview of Task Force and Work Group efforts leading to the development of the draft study plans related to Engineering and Operations. They identified SP-E1 (1.1 through 1.6) and SP-E6 as the critical path draft study plans for the Plenary to focus on first. Rashid noted that SP-E4 might be revised pending the outcome of a multi-agency Feather River Flood Management Workshop to be held on December 17<sup>th</sup>. Their presentation is included in Attachment 4.

A participant asked if existing models would be used in lieu of developing new ones. Curtis explained that DWR does have some existing models that will be used, including a model developed by UC Davis. However, the in-house tools do not address the “what if” questions so these modeling tools will be developed with consultant assistance as needed. Roger Masuda asked if the models would be independently reviewed. Curtis responded that the Work Group has discussed quality control and would likely explore it further. Patrick Porgans suggested the models might be peer reviewed by a group such as the modeling forum. Participants inquired if downstream water temperatures and water temperatures needed for agricultural use are included in the modeling effort. Curtis responded affirmatively to both questions. Steve Edmondson representing National Marine Fisheries Service asked if the model would be flexible enough to evaluate the adequacy of existing temperature controls. Curtis responded that flexibility is a goal for all of the modeling tools.

- **Environmental**

Steve Ford, DWR RAM for the Environmental Work Group, presented an overview of the multiple task forces and Work Group efforts to develop the draft study plans related to environmental issues. He noted that the draft environmental study plans fall into four categories: Geomorphology, Water Quality, Terrestrial, and Fisheries, and explained that the study plans dealing with cumulative effects, fish hatchery effects, fish passage issues, and Endangered Species Act issues have not been drafted and are not included in the Package. Steve identified SP-W1, SP-W5, SP-

W6, SP-F3.1, SP-F3.2, SP-F10, SP-F13, SP-F16, SP-T1, SP-T2, SP-T3/5, SP-T4, SP-G1, and SP-G2 as the environmental critical path draft study plans for the Plenary Group to focus on first. His presentation is included in Attachment 4.

Participants discussed geographic scope and the difference between direct and indirect impacts. Steve agreed that more work needed to be done on the environmental study plans to address these concerns. He explained that the Task Forces are continuing their efforts with several meetings already scheduled for mid-January and they expect to provide revised study plans to the Plenary Group after that. Roger Masuda asked if the appropriate list of federally and State protected species to be included needed to be worked out through separate meetings with the appropriate agencies. Steve acknowledged that there is some diversity in thought from the agencies but would prefer to work through this issue as part of the collaborative process.

Craig Fleming, representing USFWS noted it is more important from his perspective to do a good job up front and agreed that the Task Force still has a lot of work to do to go from conceptual framework to final study plans. Roger Masuda asked if these more difficult study plans could be tiered, allowing initiation of tasks we all agree on while continuing to work on those points of disagreement. Steve agreed there would be value in that approach because we need to get some study tasks started to ensure we have two years of data but some participants have indicated that they would not be comfortable approving anything until they see the entire package of studies. Ken Kules suggested that since water temperature is a major issue, perhaps serious consideration should be given to accelerating the temperature modeling study plans within the Engineering and Operations Work Group and seek approval of that study at the January Plenary Group meeting. Patrick Porgans, representing JEM Farms added he would appreciate seeing water elevation levels and thermocline relationships included as well.

Steve Ford concluded by advising the Plenary Group that the fisheries draft study plans included in the Package would likely be significantly revised in January pending further discussions on scope and other issues, after which revised drafts will be distributed to the Plenary Group.

## **GIS**

Bill Mendenhall DWR RAM for Geographic Information System (GIS) and data management provided an overview of the GIS currently being developed for this project. He described the two document library locations and the DWR web site and discussed data and information coordination related to the draft study plans. His presentation is included in Attachment 4.

A participant asked Bill if he was reviewing databases within DWR or other agencies to determine if similar databases already exist. Bill responded that he expected the individual Work Groups would do the bulk of that effort. Nan Nalder representing the State Water Contractors asked that a uniform data protocol be developed and distributed to all Work Groups and Task Forces for review. Bill suggested that his task is not to set the protocol but to coordinate the information sharing and find out specifically what everyone needs.

## **Study Plan Package Summary**

Len Marino concluded the Study Plan Package presentation by reviewing the list of critical path studies for the Plenary Group to focus their initial review efforts.

Sharon Stohrer asked if Len could identify the study plans that are a goal for January approval from the list of critical path studies. Len suggested that the Plenary Group review all of the critical path study plans except the environmental ones for the January meeting. The Facilitator directed participants to review the "study plan status" located at the bottom of each abstract to get a sense of what the Work Groups feel would be added to each study plan. John Coburn asked for confirmation that the January Plenary Group meeting is for discussion and no approvals will be expected. The Facilitator and DWR team members confirmed that January is not an approval

meeting but a discussion meeting focused on the critical path studies, although if the Plenary Group feels that some of the study plans are ready for approval, they may choose to do that. Patrick Porgans asked for clarification on whether the critical path study plans have been labeled as jurisdictional or non-jurisdictional. The Facilitator stated that all of the critical path studies are considered jurisdictional. Michael Pierce agreed that all of the Recreation and Socioeconomics draft study plans are considered jurisdictional by that Work Group.

### **Process Updates**

Len Marino gave an update on Scoping Document 1 and the comments received. He noted the comment period ended on November 29, 2001 and that DWR received 23 written comments during the comment period and heard 21 oral presentations at the two public scoping meetings held in late October.

Comment letters and transcripts from the public scoping meetings will be posted on the web site. The comments are being sorted and will go to the Work Groups for resolution. One participant noted that the small number of comments received indicates that the local community is putting energy into the collaborative process rather than writing comments. Len concluded by reminding the participants that the comments and corresponding responses to comments will be included in the final version of SD1.

### **Riverbend Park Project – Interim Settlement Agreement**

The Facilitator updated the Plenary Group on the Interim Settlement Agreement Task Force progress. She reported that the Task Force had hoped to complete their work by now and, while they have made substantial progress and are close to a draft interim settlement agreement to present to the Plenary Group, they are not there yet. Outstanding issues yet to be agreed upon include the cost sharing component and operations and maintenance budgets for Riverbend Park. Capital improvement funding amounts have generally been agreed to with DWR supplying 2.2 million toward the total 2.5 million Riverbend Park project. Local contributions total \$300,000. The Task Force hopes to finalize language at their next meeting.

A map of the Riverbend Park project requested at a previous Plenary Group meeting was distributed and is included as Attachment 5. Appendix A, Riverbend Park Corridor Description / Project Components was also distributed and is included as Attachment 6. Scott Lawrence, representing Feather River Recreation and Parks District added that the Task Force is getting a lot closer on the language and is hopeful that draft language will be ready to share with the Plenary Group next month so we can get the approvals necessary to proceed. Rick Ramirez reminded everyone that a DWR decision on the Proposed Interim Recreation Projects list is still on track for the January Plenary Group meeting.

### **Interim Recreation Projects**

The Facilitator reminded participants that the Proposed Interim Recreation Projects Package was distributed to the Plenary Group at the last meeting and asked if participants had any questions that needed to be resolved. The participants discussed exactly what they were being asked to approve. Rick Ramirez reminded everyone that while not a part of the relicensing process, the interim project concept is meant to be an expression of good will in return for local involvement in support of the relicensing process. Mike Kelly asked if other projects could be added to the list. Local resident, D.C. Jones responded that both the Interim Projects Task Force and the Recreation and Socioeconomics Work Group agreed to put a box around the project list and not add to it. He also reminded the Plenary Group that the list represents considerable work by the Interim Projects Task Force and DWR has committed to getting some of them done before the license application is filed in 2005. He added that the list does not exclude the community from doing other things. Roger Calloway with State Parks and Recreation added that they would continue to do projects outside of this process. The Plenary Group agreed to forward the Interim Projects package to DWR for consideration.

## **Action Items – November 1, 2001 Plenary Group Meeting**

A summary of the November 1, 2001 Plenary Group Meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

- Action Item #P63:** Provide the Plenary Group with a revised list of projects presently being implemented by DWR and/or DPR. The list will include project cost and completion date.
- Status:** Dave Ferguson with DWR provided a list of completed DWR projects as requested at the last Plenary Group meeting (included as Attachment 7). The Facilitator added that DWR management must approve requested budget numbers before they are released and are expected to be ready for the January Plenary Group meeting. A State Parks list of projects completed in the past couple of years was also distributed and is included as Attachment 8.
- Action Item #P64:** Discuss land acquisition policy or process with DWR Senior Management and update the Plenary Group at their next meeting.
- Status:** Rick Ramirez stated that this is an internal department activity and the Plenary Group will be brought in when appropriate. The Department will continue to monitor the land acquisition situation.
- Action Item #P65:** Provide the Plenary Group with a map showing the locations of all Proposed Interim Recreation Projects.
- Status:** Steve Nachtman provided a copy of a draft Proposed Interim Recreation Projects location map (included as Attachment 9) to the group and asked that any comments or changes be brought to his attention.
- Action Item #P66:** Develop process for making adjustments to the Interim Recreation Projects list, provide clarity to the post approval planning process, and provide feedback to the Plenary Group.
- Status:** Dale Hoffman-Floerke reviewed the post approval planning process and indicated that several options are being considered by DWR to collect any additional data needed to make a decision including an iterative process between DWR and project proponents to solidify some of the details and reconvening the Interim Projects Task Force to supply more detail.
- Action Item #P67:** Provide the draft Interim Settlement Agreement to the Plenary Group.
- Status:** This action item was discussed at today's meeting.
- Action Item #P68:** Update map for Appendix A of Riverbend Park recommendation to include project boundary.
- Status:** An updated map was distributed at today's meeting.
- Action Item #P69:** Provide the Plenary Group with an update and schedule of the Cumulative Impacts Task Force activities.
- Status:** The Cumulative Impacts Task Force has not yet met but Steve Ford reported the plan is to meet sometime in January.
- Action Item #P70:** Distribute draft study plans to the Plenary Group for review and discussion at their next meeting.
- Status:** A Preliminary Draft Study Plan Package was distributed at today's meeting.

## **Next Meeting**

A Proposed 2002 Plenary Group and Work Group meeting schedule was distributed for review and comment. The schedule is included as Attachment 10. The Plenary Group agreed to meet next on January 28<sup>th</sup> and, pending approval of indicated Work Group dates by the individual Work Groups, will discuss adopting the proposed 2002 schedule at the January meeting.

## **Agreements Made**

The Plenary Group agreed to forward the Proposed Interim Recreation Projects list as approved by the Recreation and Socioeconomics Work Group to DWR for consideration.

### **Action Items and Next Steps**

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action and item status.

**Action Item #P71:** Provide Microsoft Project schedule file displaying study plan tasks.  
**Responsible:** DWR  
**Due Date:** January 28, 2002

**Action Item #P72:** Request that FERC discuss the difference between jurisdictional and non-jurisdictional issues with the Plenary Group at their next meeting.  
**Responsible:** DWR/FERC  
**Due Date:** January 28, 2002

**Action Item #P73:** Continue efforts to draft global scope language in the Environmental Work Group.  
**Responsible:** Environmental Work Group  
**Due Date:** January 29, 2002

**Action Item #P74:** Attach today's PowerPoint presentation to the meeting summary posted on the web site.  
**Responsible:** DWR  
**Due Date:** January 21, 2001

**Action Item #P75:** Create a systematic approach to finish and approve critical path studies.  
**Responsible:** DWR/Consulting Team  
**Due Date:** January 28, 2002

**Action Item #P76:** Consider moving the February Plenary meeting to Monday February 25 if FERC is agreeable.  
**Responsible:** Facilitator  
**Due Date:** January 28, 2002

**Action Item #P77:** Consider holding the January Plenary Group meeting from 1:00 to 9:00 and the February Plenary Group meeting from 10:00 to 6:00.  
**Responsible:** Facilitator  
**Due Date:** January 18, 2002